

# Libby 'victims' urged to register

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**Sheryl Nordahl**  
U.S. Attorney’s Office

**By BRENT SHRUM**  
Western News Reporter

Thousands of Libby-area residents could be eligible for restitution if the federal government wins its criminal case against W.R. Grace, a representative of the U.S. Attorney’s Office in Missoula told the Community Advisory Group last week.

Victim/witness coordinator Sheryl Nordahl said she’s working on developing a database of potential victims in the case. One of the government’s requests if it wins in court will be for restitution for victims, she said. The amount of restitution the government may request is

unknown and will depend in part on the number of people who sign up as victims and on the details of their impact statements.

Nordahl urged anyone who has suffered from the company’s actions to take the initial step of signing up to be notified of events in the case.

“For you to be considered part of that restitution, you’ll need to be part of that victim notification database,” she said.

Victims aren’t just people with asbestos-related disease, Nordahl said.

“Many people are victims without being ill,” she said. “There’s financial hardship; there are any number of

avenues.”

Jerry Hersman told Nordahl that as a business owner, he can make a case for having suffered financially as a result of the economic impacts associated with so many people being sick from asbestos exposure.

“Technically, everyone in the valley is a victim, one way or another,” he said. “Can you handle 5,000 victims?”

“We anticipated that,” Nordahl said.

The definition of a victim in the case will be broad with respect to Grace’s Libby operations, Nordahl indicated.

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# Victims

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"If they were affected by what happened in Libby, then they are a victim," she said.

The company and seven current and former officials are charged with offenses including conspiracy, Clean Air Act violations and wire fraud.

According to the indictment handed down by a grand jury in February, company officials tried to conceal information about the health risks associated with its vermiculite mining and distribution as far back as the 1970s. The indictment estimates that around 1,200 Libby-area residents have suffered an asbestos-related abnormality associated with Grace's operations.

Among those charged is Alan Stringer, 60, of Libby. The former superintendent and general manager of Grace's Libby vermiculite mine and current company representative in Libby, Stringer is charged with conspiracy, Clean Air Act violations, wire fraud and obstruction of justice.

Also facing charges are company senior vice president Robert Bettacchi; Henry Eschenbach, a former health official for a Grace subsidiary; O. Mario Favorito, chief legal counsel for Grace; former company vice president Robert Walsh; Jack Wolter, a former

executive for Grace's construction products division; and former Libby mine general manager William McCaig.

The company itself is charged with conspiracy, Clean Air Act violations, wire fraud and obstruction of justice faces possible penalties of two times the gross gain the company obtained through the crimes.

All have entered pleas of not guilty in federal district court in Missoula. A trial date has been set for May 2006.

The government's work on the case is ongoing, Environmental Protection Agency criminal investigator Daniel Horgan told the CAG at last Thursday's meeting. Investigators will still be coming to Libby to interview area residents about various aspects

of the case, he said.

"By no stretch of the imagination has the work of the government finished with respect to this investigation," he said.

The defendants in the case may ask to have the trial moved from Missoula, Nordahl said.

"The judge set a Sept. 2 deadline for the change of venue, and I anticipate that it will happen," she said.

The judge has indicated a preference for keeping the trial in Montana, Nordahl said. The judge would stay with the case if venue is changed; changing the judge can be done but is much more difficult, she said.

Nordahl said plans are in the works to have the trial, wherever it takes place, televised in Libby via closed-circuit television.